

AMENDED IN ASSEMBLY JUNE 16, 2009

AMENDED IN SENATE APRIL 28, 2009

SENATE BILL

No. 138

Introduced by Senator Liu

February 11, 2009

An act to amend Section 7287 of the Revenue and Taxation Code, relating to local taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 138, as amended, Liu. Local taxes: graffiti.

Existing law authorizes a city or county, or city and county to levy a tax, as provided, on the sale at retail within its jurisdiction of aerosol paint containers, felt tip markers, as specified, and marking substances or instruments at the rate of no more than \$0.10 per aerosol paint container or container of other marking substance, and no more than \$0.05 per felt tip marker or other marking instrument. Existing law requires the State Board of Equalization to enforce and administer these provisions.

This bill would raise ~~those amounts~~ *the amount of the tax authorized to be levied under these provisions* from \$0.10 to ~~\$0.50~~ \$0.25 per aerosol container or container of other marking substance, and from \$0.05 to \$0.25 per ~~felt tip marker~~ or other marking instrument, *and would delete the authorization for the levy of a tax for felt tip markers.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7287 of the Revenue and Taxation Code is amended to read:

7287. (a) The legislative body of any city or county, or city and county, may levy a tax by an ordinance approved by two-thirds of the electors voting on the measure, in addition to any other tax authorized by this division, on the privilege of selling at retail within its jurisdiction aerosol paint containers, containers of any other marking substance, ~~felt tip markers that have a flat or angled writing surface of one-half inch or greater, or any other marking instruments, at the rate of no more than fifty cents (\$0.50)~~ *twenty-five cents (\$0.25)* per aerosol paint container ~~or, per container of other marking substance, and no more than twenty-five cents (\$0.25) per felt tip marker or or per other marking instrument.~~

(b) For purposes of this chapter, “aerosol paint container” means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint capable of defacing property.

~~(c) For purposes of this chapter, “felt tip marker” means any broad-tipped indelible marker or similar implement containing an ink that is not water-soluble.~~

~~(d)~~
(c) For purposes of this chapter, “marking substance” and “marking instrument” means any substance or instrument, other than aerosol paint containers ~~and felt tip markers~~, which could be used to draw, spray, paint, or mark, including, but not limited to, shoe polish applicators.

~~(e)~~
(d) The tax authorized by this chapter shall not be considered for purposes of the combined rate limit established by Section 7251.1.